

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 80A.15, the Department of Public Safety hereby amends Chapter 121, "Bail Enforcement, Private Investigation, and Private Security Businesses," Iowa Administrative Code.

Iowa Code chapter 80A establishes the state's licensing program for bail enforcement, private investigative, and private security businesses and assigns authority for administering the licensing program to the Department of Public Safety, including the authority to adopt administrative rules for the program. Those rules currently provide for issuance of duplicate licenses to substitute for licenses that have been lost or destroyed and require payment of a \$5 fee. The amendments adopted herein provide for issuance of replacement licenses at no charge when a license has been lost or destroyed due to conditions that have been a basis for issuance of a disaster emergency proclamation by the Governor.

Pursuant to Iowa Code section 17A.4(2), the Department finds that notice and public participation prior to the adoption of these amendments are impracticable, as it is desirable that licensees whose licenses have been lost due to disaster conditions be able to obtain replacement licenses at no charge as quickly as possible.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and these amendments be made effective July 1, 2008, after filing with the Administrative Rules Coordinator. These amendments confer a benefit upon the public by immediately allowing licensees whose licenses have been lost or destroyed in disaster conditions to obtain replacement licenses at no cost, thus enabling them to demonstrate their qualifications to operate a bail enforcement, private investigative, or private security business to any prospective client.

These amendments are also being proposed in a Notice of Intended Action in order to allow for public comment. The Notice is published herein as **ARC 6998B**.

These amendments became effective on July 1, 2008.

These amendments are intended to implement Iowa Code chapter 80A.

The following amendments are adopted.

ITEM 1. Adopt the following new "Duplicate license" "Replacement license" in rule **661—121.2(80A)**:

"Duplicate license" means a license that is issued to substitute for a license that has been lost or destroyed, except that a "duplicate license" shall not mean a "replacement license" as defined herein.

"Replacement license" means a license that is issued to substitute for a license that has been lost or destroyed as a result of damage from flooding, storms or other conditions which form a basis for issuance of a disaster emergency proclamation by the governor pursuant to Iowa Code section 29C.6.

ITEM 2. Adopt the following new rule 661—121.24(80A):

661—121.24(80A) Replacement license. The commissioner shall issue a replacement license upon receiving a written statement that the original license has been lost, destroyed, stolen or otherwise rendered useless by damage from flooding, storms or other conditions which form a basis for issuance of a disaster emergency proclamation by the governor pursuant to Iowa Code section 29C.6. If the original license is recovered, the original or the replacement will be returned immediately to the department. No fee shall be charged for the issuance of a replacement license.

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